

Ireland

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Freedom of the Press

Press freedom is guaranteed in Ireland's 1937 constitution and is generally respected in practice. However, archaic defamation laws continue to place the burden of proof on defendants. The 2009 Defamation Act reduced the time frame for bringing legal action after a defamatory statement is made from six years to one; it also included the option for media outlets to issue an apology without admitting to libel. In early 2013, Irish politicians expressed interest in pursuing defamation cases against bloggers and Twitter users in order to fight what they considered abusive criticism. In February 2013, Denis O'Brien, one of Ireland's wealthiest people and owner of the country's two national commercial radio stations, won €150,000 (\$200,000) in a defamation case against the *Irish Daily Mail*. A jury found that the newspaper had defamed O'Brien in an article about his work in Haiti following the January 2010 earthquake. It was the first major case to come before a jury in the High Court of Ireland since the Defamation Act took effect, as well as the first instance in which the law's "honest opinion" clause served as a viable defense in a defamation case.

Blasphemy is considered a criminal act under the 1937 constitution, but there were no legal means for prosecution until 2009, when the Defamation Act established blasphemy as an offense punishable with fines of up to €25,000 (\$33,000). Article 36 of the statute states that "a person publishes or utters blasphemous matter if he or she publishes or utters matter that is grossly abusive or insulting in relation to matter held sacred by any religion, thereby causing outrage among a substantial amount of the adherents of that religion, and he or she intends, by the publication or utterance of the matter concerned, to cause such outrage." In November 2013, a constitutional convention recommended the removal of the blasphemy provisions and voted to replace them with a general clause on incitement of religious hatred. The proposal was to be considered by the government in early 2014.

New copyright rules were adopted in March 2012 despite significant opposition from internet freedom groups, which argued that they could result in injunctions against social-media platforms like YouTube and Facebook if copyrighted materials are posted by users. The change was enacted through a ministerial order, not by the parliament, limiting public debate on the matter. Discussion of copyright issues continued in 2013 with a set of recommendations by the government-appointed Copyright Review Committee that included provisions for a "fair use" policy, which would allow limited reproduction of an individual's work without his or her consent. Press industry groups consider this to be a threat to press freedom, as the policy would limit publications' control over their own content. The proposal had not yet been approved at the end of 2013.

The 1997 Freedom of Information Act and a 2003 amendment established fees for accessing information held by public bodies. Records indicate that the 2003 amendment, which introduced fees for submitting the request itself, has led to a significant reduction in the use of the act by journalists. Moreover, Ireland is the only country in Europe where the police are completely exempt from opening up files to the public. A review of the Freedom of Information Act in 2013 targeted these and other problems. Proposed revisions would compel police to turn over administrative records, allowing exemptions for security reasons. The proposal also called for a maximum fee of €500 (\$650) for requests and an expansion in the number of state agencies that must release information. In November 2013, a plan to further increase search and retrieval fees for freedom of information requests caused alarm among journalists and press freedom activists. However, Brendan Howlin, the minister for public expenditure and reform, withdrew that plan and

set the fee limit at €500. The National Union of Journalists welcomed the decision.

Under Ireland's 2005 Garda Síochána Act, police can face fines of up to €75,000 (\$98,000), lose their jobs, or receive up to seven years in prison for speaking with the media without prior authorization. Investigative journalists say they are routinely questioned by police after breaking stories that indicate the use of a police source. In years past, journalists have reported that their investigative work was compromised due to police queries about sources and police contacts, as well as threats of arrest for failing to reveal sources. Journalists have also reported that their telephone conversations have been monitored. In August 2013, Gemma O'Doherty was dismissed from her duties at the *Irish Independent*, where she had worked for 16 years, following her investigation of unlawful changes in police traffic records and cancellations of penalty points by senior police officers. Separately, the anonymous blogger behind *NAMA Wine Lake*, a watchdog blog that examined Ireland's economic crisis, ceased publication in May 2013. Although no proof was reported, it was widely believed that the blogger stopped writing as a result of growing threats.

The Broadcasting Act of 2009 established the Broadcasting Authority of Ireland, which oversees the public-service broadcasters, allocates public funding, and promotes accountability. The act expanded the role of the former Broadcasting Commission of Ireland, which had no responsibility for public-service broadcasting. In 2008, the Press Council of Ireland and the Office of the Press Ombudsman were set up to safeguard and promote the professional and ethical standards of newspapers and other periodicals, including through the establishment of a mandatory Code of Practice for member organizations. The public can bring complaints against member publications to the Office of the Press Ombudsman, and appeals of the ombudsman's decisions are adjudicated by the Press Council, which may also hear significant or complicated cases directly. The Press Council is recognized by law under the Defamation Act of 2009, meaning those newspapers and magazines that choose to be regulated by it have certain legal advantages. This statutory underpinning was established following a consultative process involving the National Union of Journalists, representatives of newspapers owners, and others within the media industry. Media organizations that opt out could face difficulties in dealing with legal complaints, as they must convince the courts that they operate by the same standards.

Journalists can generally report freely without harassment and without having to exercise self-censorship. Physical attacks directed at journalists are rare.

Ireland has strong and competitive print media, led by the privately owned *Irish Independent* and *Irish Times*. The public-service broadcaster RTÉ (Raidió Teilifís Éireann) dominates the radio and television sectors but provides a comprehensive and balanced news service. RTÉ receives competition from both private and public British television. Ireland also has more than 50 licensed radio stations. Cross-ownership is allowed within certain limits, with publishers permitted to own up to 25 percent of a broadcast outlet. The debate over the concentration of media ownership and a lack of content diversity continued in 2013. The O'Reilly family had directly controlled Ireland's largest media company—Independent News and Media (INM)—for 39 years, until Gavin O'Reilly resigned as chief executive in 2012. Denis O'Brien, INM's largest single shareholder, now controls the company. Because O'Brien has business interests in many other industries, there are ongoing concerns that he will exert undue influence over content, but no such cases arose in 2013. Communications Minister Pat Rabbitte proposed a new bill to regulate media mergers, aiming to introduce more public-interest criteria and address the anticipated effect of mergers on the plurality of both media ownership and content. The legislation was still under discussion at year's end.

Approximately 78 percent of the Irish population accessed the internet in 2013, and internet use is not restricted by the government.

2014 Scores

Press Status

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

16

Legal Environment

(0 = best, 30 = worst)

5

Political Environment

(0 = best, 40 = worst)

6

Economic Environment

(0 = best, 30 = worst)

5